

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TX63215 04

**NOTICE OF APPLICATION AND PRELIMINARY DECISION
FOR WATER QUALITY TPDES PERMIT AMENDMENT
FOR INDUSTRIAL WASTEWATER**

PERMIT NO. 01811

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CUSTOMER SERVICE

APPLICATION AND PRELIMINARY DECISION. Southwestern Electric Power Company, Welsh Power Plant, 1187 County Road 4865, Pittsburg, Texas 75686, which operates the Welsh Power Plant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TPDES Permit No. 01811 to authorize a reduction in monitoring frequency for total suspended solids and oil and grease at Outfall 001; reclassification of external Outfall 002 as internal Outfall 103; removal of total copper effluent limitations at Outfall 002 (proposed reclassification as internal Outfall 103); and an increase in the daily maximum free available chlorine effluent limitation at Outfall 003. The current permit authorizes the discharge of low volume wastes, ash transport water, coal pile runoff, metal cleaning wastes, and storm water at a daily average flow not to exceed 20,000,000 gallons per day via Outfall 001; treated domestic wastewater at a daily average flow not to exceed 6,000 gallons per day via Outfall 002; and once through cooling water at a daily average flow not to exceed 1,425,000,000 gallons per day via Outfall 003. The application also includes a request for an extension of the previously authorized temporary variance to the existing water quality standards for the aluminum criterion for Big Cypress Creek Below Lake Bob Sandlin, in Segment No. 0404 of the Cypress Creek River Basin. The permittee has conducted a water quality study of Big Cypress Creek Below Lake Bob Sandlin, consisting of a water effects ratio (WER) and development of site specific criterion for aluminum, into which wastewaters via Outfalls 001 and 003 are discharged. The 2000 Texas Surface Water Quality Standards (30 TAC Chapter 307), adopted by the Commission on July 26, 2000, include provisions allowing the use of approved water effects ratios in calculating water quality based effluent limitations. The WER for aluminum for Big Cypress Creek Below Lake Bob Sandlin, in Segment No. 0404 of the Cypress Creek River Basin, and the 2000 Texas Surface Water Quality Standards have been submitted to the United States Environmental Protection Agency for approval. The permittee has requested an extension to the current temporary variance pending United States Environmental Protection Agency approval of the WER and 2000 Texas Surface Water Quality Standards. This application was submitted to the TCEQ on September 23, 2002.

The facility is located approximately two miles northwest of the Town of Cason and approximately one and one-half miles north of State Highway 11, Titus County, Texas. The effluent is discharged to Welsh Reservoir; thence to Swauano Creek; thence to Big Cypress Creek Below Lake Bob Sandlin, in Segment No. 0404 of the Cypress Creek Basin. The unclassified receiving waters have high aquatic life use for Welsh Reservoir. The designated uses for Segment No. 0404 are intermediate aquatic life use and contact recreation. No significant degradation of high quality receiving waters is anticipated.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision (as contained in

the technical summary and/or fact sheet), and draft permit are available for viewing and copying at the Mount Pleasant Public Library, 213 North Madison Street, Mount Pleasant, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 within 30 days of the date of newspaper publication of this notice.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised during the public comment period and not withdrawn. Issues that are not raised in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LISTS. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: (1) the mailing list for this specific application; (2) the permanent mailing list for a specific applicant name and permit number; and/or (3) the permanent mailing list for a specific county. Clearly specify which mailing list(s) to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address above. Unless you otherwise specify, you will be included only on the mailing list for this specific application.

INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may also be obtained from Southwestern Electric Power Company at the address stated above or by calling Mr. Franklin Mills at (214) 777-1507.

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